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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,922	10/19/2001	Theresa A. Deisher	96-20D2	7962

7590

05/02/2006

Deborah A. Sawislak
Patent Department
ZymoGenetics, Inc.
1201 Eastlake Avenue East
Seattle, WA 98102

EXAMINER

SAOUD, CHRISTINE J

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Applicant's amendment filed 18 April 2006 has been received and entered.
Claims 8-10 and 33-35 have been amended and claims 1-7 and 14-20 are canceled.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any objection or rejection of record which is not expressly repeated in this action has been overcome by Applicant's response and withdrawn.

Specification

In reviewing Applicant's response to the Final Office action, it became apparent that the paper copy of the Sequence Listing in the instant application does not correspond to the computer readable form (CRF) of the Sequence Listing of the instant application. The paper copy of the instant application, which was filed 19 October 2001, only contains 20 sequences. The CRF of the instant application contains 36 sequences, as referenced by Applicant in the response (page 6, middle of the paragraph, SEQ ID NO:36). Therefore, the instant specification does not comply with the Sequence Rules: 37 CFR 1.821(c) requires a paper copy which contains each sequence from the specification, 37 CFR 1.821(d) requires reference be made to each sequence in the specification by use of the sequence identifier, 37 CFR 1.821(e and f) require a computer readable form of the Sequence Listing and that the content of the two forms be identical. Because there are more sequence in the CRF than the paper copy, they clearly are not identical. Because there are no references made to the

sequence in the Figures by use of sequence identifiers, it is clear that the specification is not in compliance with 37 CFR 1.821(d).

It is noted that the parent application, 08/951,822, had a second Sequence Listing filed, presumably to include the additional sequences found in the specification. The specification was also amended to include reference to these additional sequences. Applicant may wish to use the parent application as a guide in correcting the deficiencies of the instant application. A new statement regarding the content of the paper copy and the computer copy of the Sequence Listing is required (37 CFR 1.821(e)).

Allowable Subject Matter

Claims 8-13 and 21-35 are allowed.

This application is in condition for allowance except for the formal matters detailed above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The examiner can normally be reached on Monday-Friday, 6AM-2PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud